

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff

v.

FILE NO.: 23-CR- LJV(JJM)

HOWARD HINKLE,

Defendant

**DEFENDANT HOWARD HINKLE’S REPLY TO GOVERNMENT’S RESPONSE TO
DEFENDANT’S BAIL MOTION**

The Defendant, Howard Hinkle, by and through his attorneys, Daniel J. Henry, Jr., Esq., and Frank M. Bogulski, Esq. hereby files his reply to the Government’s response to Mr. Hinkle’s Bail Motion (Dkt. #192). As set forth herein, the Defendant respectfully requests the Court to grant Mr. Hinkle bail.

ARGUMENT

The defendant, Howard Hinkle, re-asserts its pleadings and arguments set forth in Dkt. #174 as if re-plead herein.

The United States Probation and Pretrial Service, in its August 12, 2024, Memorandum to the Court acknowledged that Mr. Hinkle’s motion “does suggest a substantial change in circumstances that would warrant immediate release from custody, in that there are delays in this case that are not attributed to the defendant.” The Memorandum goes on to state “The circumstances put forth by defense counsel are not those of which our office would consider

when making our recommendations.” However, that being said, such circumstances and conditions are factors this Court can consider and take into account when determining whether bail should be granted to Mr. Hinkle.

Mr. Hinkle, at no fault of his own, has not been responsible for this delay and lengthy incarceration. The nine (9) plus month and counting of his incarceration has been a substantial delay and change in his circumstances from the Court’s previous review of his detention. Conditions and combination of conditions have been outlined in Dkt. #174 that would allow for release and the assurance that Mr. Hinkle is not a flight risk or a danger to the community.

CONCLUSION

For the reasons set forth above together with Dkt. #174, the Defendant, Howard Hinkle, respectfully asks this Court to grant him bail.

Dated: August 22, 2024
Hamburg, New York

s/ Daniel J. Henry, Jr.
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